City of Lafayette
City Council Special Meeting
Redevelopment Agency Special Meeting
MINUTES

Lafayette Community Center – Sequoia Room **February 23, 2009**
500 St. Mary's Road, Lafayette, California **6:00 p.m.**

1. CALL TO ORDER

Mayor Tatzin called the meeting to order at 6:45 p.m.

2. ROLL CALL

Present: Council Members: Mayor Tatzin, Vice Mayor Andersson, Councilmembers Anderson, Anduri and Federighi

Staff: Steven Falk, City Manager; Ann Merideth, Community Development Director; Tony Coe, Engineering Services Manager; Mala Subramanian, City Attorney

3. ADOPTION OF AGENDA

ACTION: It was M/S/C (Federighi/Anderson) to adopt the agenda. Vote: 4-0-1 (Ayes: Tatzin, Andersson, Anduri, Federighi, Anderson; Noes: None; Absent: None).

4. PUBLIC COMMENTS - None

5. CLOSED SESSION

A. Conference with Legal Counsel – Anticipated Litigation: Significant exposure to Litigation pursuant to Government Code section 54956.9(b) (1 Case)

6. ADJOURNMENT

ACTION: It was M/S/C (Anduri/Federighi) to adjourn to the Special City Council Meeting at 6:55 p.m. Vote: 4-0-1 (Ayes: Tatzin, Andersson, Anduri, Federighi, Anderson; Noes: None; Absent:None).

APPROVED:

_____
Don Tatzin, Mayor

ATTEST:

_____
Joanne Robbins, City Clerk

City of Lafayette
City Council Regular Meeting
Redevelopment Agency Special Meeting

MINUTES

Lafayette Community Center – Manzanita Room **February 23, 2009**
500 St. Mary's Road, Lafayette, California **7:00 p.m.**

1. CALL TO ORDER

Mayor Tatzin called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present: Council Members: Mayor Tatzin and Councilmembers Anderson, Anduri and Federighi

Absent: Vice Mayor Andersson

Staff: Steven Falk, City Manager; Tracy Robinson, Administrative Services Director; Ann Merideth, Community Development Director; Jennifer Russell, Parks, Trails & Recreation; Mala Subramanian, City Attorney; Joanne Robbins, City Clerk

3. PLEDGE OF ALLEGIANCE – Led by Mayor Tatzin.

4. ADOPTION OF AGENDA

Mayor Tatzin noted there was a request to remove Item 11.I from the Consent Calendar.

ACTION: It was M/S/C (Anderson/Anduri) to adopt the agenda, as amended. Vote: 4-0-1 (Ayes: Tatzin, Anduri, Federighi, Anderson; Noes: None; Absent: Andersson).

5. REPORT ON CLOSED SESSION

Mayor Tatzin reported the City Council met in Closed Session and took no action.

6. PUBLIC COMMENTS - None

7. PRESENTATIONS

A. John Phillips member of the Contra Costa County Civil Grand Jury Introduction and overview of Grand Jury reports
Recommendation: Receive and file.

John Phillips, member of the Contra Costa 2008/2009 Civil Grand Jury, gave a history and background on the role of the Civil Grand Jury. He said in March of each year applications are taken from those interested in service starting in July, noting that 19 out of 30 applicants are selected to serve. There are a series of standing committees; audit and budget, special district, city government, county government, law and justice, health and social service, editorial, and compliance and review. Members are supervised by a Judge, committees meet 3 days a week,

and an annual report is issued upon completion. He discussed criteria for membership and reported that term of service is one year.

Mayor Tatzin said as the Mayors' Conference Alternate to LAFCO, they have benefited over the years from prior Grand Juries because one requirement is to now conduct Municipal Service Reviews which look for opportunities to change the boundaries of cities and special districts or to recommend consolidation or elimination.

8. OLD BUSINESS

A. Jennifer Russell, Parks, Trails & Recreation Director
Resolution 2009-02 approving a use fee rate of $17,018.46 for Lafayette Little League's use of Buckeye Fields for the 2009 season
Recommendation: Adopt Resolution 2009-02 approving a use fee rate of $17,018.46 for Lafayette Little League's use of Buckeye Fields for the 2009 season.

Mayor Tatzin said he had requested the item return to the City Council, and noted that the staff report addressed his questions on assumptions underlying the assessment and also addressed his question; to what extent will Little League be paying only for the period when they use the fields versus when they lie dormant. Little League pays for more than just the period when they are actually using the fields and this reveals that the City is recovering its entire costs.

Parks and Recreation Director Jennifer Russell discussed staff's coordination with Little League on costs in detail, said each year is different depending on voluntary work, condition of fields and drought conditions. She said labor costs have been brought down considerably and the resolution will be returned each year to the Council.

Mayor Tatzin said Ron Leffler has done some preliminary studies of drought effects and he questioned how costs of watering by trucks might be incorporated into a subsequent agreement with Little League. City Manager Falk said Mr. Leffler did not anticipate or study the need to water the fields with trucks, but rather the downtown medians. Ms. Russell said over the last year, the City was careful not to over water and distributed notices to the sports group indicating that the grass might look a little stressed but kept alive.

Councilmember Anderson questioned if there had been any success with well exploration, and Ms. Russell said the exploration continues; water was found and this will come before Council to determine whether or not test drilling is done.

Councilmember Anduri questioned if the Little League uses the field March through June, and Ms. Russell said yes, except when they have an amazing team which they believe will go onto the Little League National State levels. A few years ago this occurred and they hosted a tournament and had the team continue to practice. She reviews their schedule and she maintains a calendar to better coordinate use. Ms. Russell confirmed that when the fields are saturated from rains, they cannot be used at all. She also noted that the new grass had to be planted during warm weather and this was an issue where the City had to reject a camp.

Councilmember Anduri believes that there are times when the field is not in use at all and he would argue it should be calculated at 9.5 months. However, since they are paying for more than their use period, it works out to be about the same. Ms. Russell said since staff has brought labor costs in-house, the City now owns equipment to maintain the fields which can be amortized. Staff is considering user groups pay for a portion of these costs.

There were no public comments.

ACTION: It was M/S/C (Anderson/Anduri) to adopt Resolution 2009-02 approving a use fee rate of $17,018.46 for Lafayette Little League's use of Buckeye Fields for the 2009 season. Vote: 4-0-1 (Ayes: Tatzin, Anduri, Federighi, Anderson; Noes: None; Absent Andersson).

9. STAFF REPORTS

A. Jennifer Russell, Parks, Trails & Recreation Director
Status report on the Senior Needs Assessment Task Force
Recommendation: Receive and file.

Ms. Russell introduced Senior Center Coordinator Mei Sun and Dr. Robert Nolan, Vice Chair of the Senior Services Commission.

Dr. Robert Nolan, Vice Chair of the Senior Services Commission, noted that the entire Senior Needs Assessment Task Force was present, except for Chair McCahan. He said the Task Force was appointed in September 2007, it has been diligently meeting which have considered the charge to develop a RFP for a comprehensive needs assessment, to evaluate responses to the RFP and select the firm which best meets the City's needs, and to recommend to the City Council approval of the consultant selection, and request funding as necessary, as well as to pursue and secure alternative funding.

Dr. Nolan referred to the report of the Task Force sent via email to the Council, which in its recommendation, requests specifically that the Council fund the project with $29,750 from the General Fund. This represents a reduction of $5,000 from the best estimate of costs received from the vendor who submitted the report the Task Force wishes to recommend for adoption. He said the Task Force believes the project is very timely and offers an opportunity to make timely and effective plans for meeting the special needs of seniors in Lafayette, and to ensure that during the economic crisis, there is valid data that describes those needs and makes recommendations on how to prioritize spending to benefit the growing senior population.

As noted in the report submitted, Dr. Nolan said the expected growth of seniors 65 and older is projected to reach 18.9% by year 2011. Other data gathered indicates that the senior citizen proportion of Lafayette's population over 65 is 50% higher than California, in general. The statewide average ending 2007 was 10%, whereas Lafayette's population of seniors was 15%.

He also called attention to the fact that information can be utilized in coordination with the Downtown Strategic Plan. If there were to be a substantial delay in conducting a needs assessment, the results of such an assessment would be received after the plan had moved to the point of approval. Making any modifications or incorporating such recommendations from an assessment would be difficult or impossible.

Dr. Nolan said objectives were set forth on page 2 of the report which he read into the record. He said the need not only concerns seniors, but the baby boomers, children of seniors or those who must assume responsibility for aging relatives. The needs assessment would provide the City with valid data toward making programmatic changes and allocating best resources. Dr. Nolan said he was impressed with the thoroughness and comprehensiveness of the approach used by staff and the task force in reviewing other needs assessments in other communities, evaluating methods used, costs involved, and exploring alternative means of accomplishing a needs assessment which could avoid any professional costs at all, and they have not been able to identify an alternative method other than the one proposed for approval by the Council.

The Task Force submitted the RFP to 5 consultant research firms after considering approximately 12 firms. The majority did not have an interest or opportunity for such a project, or projected costs were far beyond what the Task Force would consider. Some comments from foundations reflect a perception that Lafayette is an affluent area; that they are not able to focus upon as a needy location for such assistance and they have suggested alternative communities, therefore leaving less available funding resources.

Timelines for the project are set forth on page 3, and Mei Sun will describe these in detail. Following the timelines is the cost breakdown of the proposal and total proposed interviews. The Task Force is confident that the firm identified; D.W. Research Partnership out of Carlsbad and San Jose, has the experience and ability to conduct the assessment immediately.

Councilmember Federighi said the Task Force has been interested in trying to have the needs assessment incorporated as part of the Downtown Strategic planning process, but this is already far underway. Given the fact that the draft plan just generally identifies one of the districts in town as being a civic area without specifically identifying what this is, she questioned what the imperative need to be part of the plan at this time. Dr. Nolan said he would have thought that the task force orientation was to at least make available the possibility of considering the recommendations of the needs assessment project if the opportunity arose, and not necessarily incorporating it into the plan.

Councilmember Federighi said she is assuming that one outcome of the survey would be that seniors want a senior center and also that they would like the center to be located closer to the downtown. She questioned why this information would need to be documented in two months.

Mei Sun said the critical issues of the senior community have hovered around the areas of transportation and housing. She felt the Downtown Strategic planning process addresses this to some extent. She provided examples of pedestrian crossings, benches, accesses to senior resources, and she felt there was a significant overlap between the broader question of how seniors can best be served in Lafayette and in the Downtown Specific Plan, transportation, housing, and the location of a senior center.

Councilmember Federighi acknowledged mobility problems for older seniors, transportation project work and aging in place, and housing, and the City knows it will have tax increment dollars that it must spend on affordable housing, and she questioned the assessment's timing. She said the Council gave a fairly strong message to the Commission that dollars were tight and wanted to see what could be raised for the assessment; however, the local community has not been approached.

Mei Sun said they did not receive the total dollar amount of the estimate and therefore could not start solicitation efforts until now. She reiterated Lafayette's future older community and the need to address it now, as they were already behind in steps needing to take place. By 2050, it is expected that there will be 12 times the number of seniors as there are now, which will be even more dramatic in Lafayette. She felt the survey would do nothing more than to provide a stepping stone into next chapters of this project. Regarding the need to dovetail the project with the Downtown Specific Plan, Ms. Sun said originally when the plan was being formulate, the task force believed that concerns of the senior population were not being addressed or the community was not as alert to needs of seniors as they had hoped. Now they are somewhat behind, they want to be more aggressive to ensure awareness until it becomes a desperate situation. She

believes it is a matter of communication with the full community about the needs of seniors whether or not it dovetails with the strategic plan or not, and are prepared to start fundraising.

Councilmember Federighi noted that the Commission discussed the idea of a needs assessment and the input of caretakers was an area of importance, and she confirmed this will be included and addressed in the proposal, where the consultant suggests looking at the 45-64 year old population, as well as in the executive interviews where service providers in the field would also address the issue.

City Attorney Subramanian noted the topic was not agendized as a joint meeting, and to the extent there is a quorum, she recommended not hearing from the remaining members of the Task Force. Mayor Tatzin believed they could speak as interested citizens and he confirmed they would need to keep comments as such.

Dick Holt referred to fundraising, believes the City is an extremely generous community, the issue is important and when moving forward on their fundraising efforts, he is confident they will find and receive support.

Mary Anne Winig, Adult Program Coordinator at Temple Isaiah, said she is interested in the needs of seniors, echoed Mr. Holt's sentiments regarding confidence in funding. She believed a professional firm will present a non-biased and reliable survey.

Pete Bucklin, said he is a senior and an Emeritus Professor at UC in the field of marketing, has prepared numerous surveys and viewed the survey as being extremely useful. He has done enough surveys to know that until assessment is done, information is not truly known, the intensity of interest will be identified, and interest in having a center might even be offset by other interests and asked for the Council's support. He believed it would benefit the strategic plan, echoed other's comments, liked the firm and believed it would attract a lot of attention.

Marechal Duncan presented the percentages of total population of seniors in Lafayette 65 and older which go from 1970 at 6.4%, to 2005 of 15.6%, to 2011 at 18.9%. Seniors did not just move into Lafayette as seniors but aged in the City and are proud of Lafayette and want to stay. He said most seniors have good memories, they vote, they remember those who support senior projects, and asked for Council approval. He suggested a saying for seniors as, Live in Lafayette-Age in Lafayette.

Councilmember Anderson referred to fundraising and said the City is in a tight economic situation, acknowledged shared costs of neighborhood street improvements, and he questioned and confirmed with Mr. Duncan that this was reasonable for the senior population to contribute toward. Mr. Duncan believed the Lafayette Community Foundation could serve as one source, noted senior commitments, said no survey has ever been done for seniors and felt the matter was timely.

Dr. Nolan said he did not see the matter as a rush; were funding available, the project could be contracted for now. Work has been done regarding selection of the consultant and missing is funding. The Task Force is prepared to continue to pursue contributions even if the Council makes a funding commitment and any funds received will offset the amount. He believed the results will be of great benefit to the City and could make a contribution to the Downtown Strategic plan.

Sandra Smith, Senior Services Commissioner, said she was 27 when she moved to Lafayette, thinks an assessment is timely because of the downtown strategic plan. There is little mention in the plan for the needs of seniors to take advantage of what will happen downtown. Seniors have the van program which is wonderful but seniors will need much more shuttle opportunities to visit activities at the library and other downtown locations.

Councilmember Anderson questioned and confirmed there were no funds set aside for the assessment.

Councilmember Federighi noticed at the time that this was on the agenda as a status report of the task force and no where did the Council realize this would be a direct request for funding. Therefore, she did not believe the Council could address the request, as agendized.

Mayor Tatzin said the Council looked at the timeline for the project and it talked about survey work starting in June. The Council did discuss whether to advance it and holding it up was funding, and the Council agreed to continue that discussion to this meeting. He felt there was some latitude, but this is not a new item.

Councilmember Federighi read what the report stated, noting that the recommendation was to receive and file.

Councilmember Anduri said he believed the Council raised the issue at the goal setting session about accelerating funding for this in order to meet other objectives. He thinks the Task Force has done an excellent job, has been thorough, he sat in on meetings of the Downtown Strategic Plan and the task force took deliberate steps in the process, a lot of time was spent to research what other cities have done, long discussions were held about not re-inventing the wheel, and there was discussion about what we wanted to get out of the survey. Once this was done, time was spent putting together the RFP, the RFP going out, reviewing it, deciding on lead candidates and deciding on the final candidate. Regarding why now, he said Chair McCahan has the most insight into the matter. He contacted her and she is clear that she thought the information from the survey would be useful to inform the Downtown Strategic plan. He did not think anyone was saying that the Downtown Strategic plan would be set in concrete in June; there is a plan that will go under the environmental impact study and if we receive the report by the Task Force by the end of June, this information can go into the process. In any event, there will be public hearings at the end of the process and having the information in the survey will be very useful.

He said his main comment on the draft of the Downtown Strategic Plan is that he would have liked to have seen consideration taken to include the needs of seniors more. We know the demographic is increasing, thinks the City has the opportunity to be a model for how seniors can age in their community. The information obtained from this report will inform the efforts of the Downtown Strategic planning committee and the timing is right. Beyond the downtown plan, the City will be making decisions that will affect seniors all the time and having the information from the survey will be very useful.

Regarding why we want to have a scientific survey, he said up until now all information has been anecdotal. A previous survey by the City asked people to take part of the Vista and fill it out and send it back. People have housing, transportation and other needs, but you cannot guess how great those needs will be, what the intensity will be and if someone were to apply for an assisted living facility in the City, the City has no scientific information relating to the need for that kind of facility.

In terms of getting this information from the survey, all task force members were impressed with the firm's representative and got the impression a lot would be revealed from survey results. Regarding costs, when the issue came up in 2007, the number proposed was about $80,000 and in looking at costs of other studies, this is well under the cost of a broad-based survey. He noted Danville's looked at narrow issues and Lafayette's goal is to look more broadly. The first choice of the Task Force was the $34,000 option (500 interviews at 15 minutes each), but in order to bring the cost down, the Task Force met on Friday and agreed to ask for 400 interviews at 12 minutes. They think it is more important to get this done than to get down to the last level of accuracy, which is a trade-off. There is confidence to raise $10,000 or more and they want a commitment to spend the $29,000 but the expectation and hope is that it would ultimately cost $19,000. He believed $19,000 is a good investment for an important survey that will inform decisions to be made for what is a large senior population.

Regarding the CPAC meeting and looking at proposed spending for 2010 building season, $1.54 million is proposed which is a rounded number and he urged the Council to approve moving forward with the senior needs assessment.

Councilmember Anderson said he appreciates the significance of the survey, thinks it is appropriate for the Council to move on it, and he hears there is an effort to raise funds to offset costs and supported moving forward with $29,750, with an expressed hope that $10,000 will be raised to offset the City's cost.

City Attorney Subramanian suggested adding the action on the next meeting's Consent Calendar, did not believe it would fall under the requirements for an emergency item, and said the agenda description does not meet Brown Act requirements.

Mayor Tatzin said at the Council's goal meeting, the Council agreed this would be one of the goals this year and he feels the goal is to keep projects moving, identify and help break down any roadblocks, and it was with this thought that a Councilmember suggested whether to consider advancing the date to start the project. The only thing holding this up was the funding, and since the Council said they will try and do it, he believed it should be done. He also reminded the Council that the survey is not a plan per se, but an important input to the plan. After this, there is deciding what are the priorities of the task force, how should it describe projects, what sort of organizational structure should be developed such as public or private to implement the plan. When the task force was established and it was asked how we were going to fund the actual implementation of the plan and not just the survey. If we try to finish all of it by the end of the year, then the survey cannot possibly start until June, end in October, and then finish up everything else. This gives the task force several months to work on other important parts of the plan, and he would support proceeding. This does not mean that the task force cannot notify the firm, who can start thinking about some of the questions.

Regarding the work itself, Mayor Tatzin felt the community might benefit from a brief report at the end of Phase II summarizing findings of the community workshop and interviews. He recognizes that the 12-minute period is very short and if there is success in raising $13,000, the period might be increased. He felt the survey should test the respondent's willingness to pay for some of the services they say they like to get a sense of how important needs are versus other services the City provides and their ranking. He encouraged the task force to make draft surveys public so that others could comment on it.

Councilmember Federighi said she has been supportive of senior projects, but voiced concern that the Council's initial direction was that the Commission was to come up with funding and no

funds have been raised. Her concern was that if the Council funds it for $29,750, fundraising will incur difficulty, she questioned the need to fund the survey now, and she would like to see a short period of fundraising first prior to moving forward.

Councilmember Federighi, after motion by Councilmember Anduri to move forward, confirmed with the City Attorney that the proposed suggestion to place it on the Consent Calendar was appropriate. Mayor Tatzin suggested that the task force report on its fundraising successes during the upcoming two week period at the next meeting.

ACTION: It was M/S/C (Anduri/Anderson) to direct staff to undertake negotiations with B.W. Research and return to the March 9, 2009 City Council meeting with a contract to be approved and a resolution for Council funding of the project. Vote: 3-1-1 (Ayes: Tatzin, Anduri, Anderson; Noes: Federighi; Absent; Andersson).

10. PUBLIC HEARINGS

11. CONSENT CALENDAR

ACTION: It was M/S/C (Anderson/Federighi) to convene jointly as the Redevelopment Agency. Vote: 4-0-1 (Ayes: Tatzin, Anduri, Federighi, Anderson; Noes: None; Absent: Andersson).

Mayor Tatzin noted Item I was removed and he asked to remove items E, F, G, and J. Councilmember Anderson requested removal of Item A.

ACTION: It was M/S/C (Anduri/Anderson) to approve Items B, C, D and H. Vote: 4-0-1 (Ayes: Tatzin, Anduri, Federighi, Anderson; Noes: None; Absent: Andersson).

B. Sunset the Technology Task Force and direct staff to send letter of thanks to the committee members for their service.
Recommendation: Sunset the Technology Task Force and direct staff to send letter of thanks to the committee members for their service.

C. Completion of Tract 8726, 3629 Bickerstaff Road
Recommendation: Authorize staff to file a Notice of Completion and release bonds in accordance with Contra Costa County Code §94-4.406 and §94-4.408.

D. Agreement relating for installation and maintenance of existing and new landscaping between property owners, Deborah and Lindsay LaRoche and the City of Lafayette, for property located at 298 Lowell Lane West. APN 237-430-017
Recommendation: Accept agreement relating to installation and maintenance of existing and new landscaping and authorize the City Clerk to record.

H. Resolution 2009-15 Implementing a Hiring Freeze for FY2009
Recommendation: Adopt Resolution 2009-15.

Item Removed from Agenda:

I. MS 504-06, 3975 S. Peardale Drive – Partial Release of Security
Recommendation: Accept work done to date as complete, authorize the recordation of a notice of partial completion and the release of corresponding securities.

Items Removed for Discussion:

A. City Council Minutes
February 9, 2009
Recommendation Approve.

Councilmember Anderson asked to change the Call to Order to Mayor Tatzin from Mayor Anderson.

ACTION: It was M/S/C (Federighi/Anderson) to approve the February 9, 2009 City Council Minutes, as amended. Vote: 4-0-1 (Ayes: Tatzin, Anduri, Federighi, Anderson; Noes: None; Absent: Andersson).

E. Resolution 2009-12 Adopting the City of Lafayette Whistleblower Policy
Recommendation: Adopt Resolution 2009-12.

Mayor Tatzin believed this was a good thing to do, having seen usefulness in another organization. City Manager Falk said he discussed the item with Councilmember Anduri that perhaps on the list of contacts in the primary spot, it should simply read "Mayor" which would prevent staff from bringing it back each year.

Councilmember Federighi questioned the impetus for the policy, and Mayor Tatzin said it was simply an aspect of good government. Mr. Falk said one goal of the Council this year was to adopt in June a Lafayette Open Government Statement. Staff listed items which would be contained in such a statement in the last Council report, one of which was a whistleblower policy, which will be included in the Statement in June.

ACTION: It was M/S/C (Anderson/Anduri) to adopt Resolution 2009-12. Vote: 4-0-1 (Ayes: Tatzin, Anduri, Federighi, Anderson; Noes: None; Absent: Andersson).

F. Resolution 2009-13 Adopting the City of Lafayette Stimulus Plan for 2009
Recommendation: Adopt Resolution 2009-13.

Mayor Tatzin referred to Section 5, and questioned how far back this section would look regarding non-conforming uses. If something was abandoned 119 days ago, he questioned if it would be grandfathered in, versus one year or five years ago, and suggested rewording. Mr. Falk said it was the intent that the use reads abandonment during this calendar year. City Attorney Subramanian suggested rewording to indicate, "…the effective date of this resolution to the end of this calendar year." If it was already an abandoned use and it became non-conforming prior to adoption of the resolution, the City would not further extend it. Mr. Falk confirmed it would not apply to uses that were abandoned five or ten years ago.

Mayor Tatzin referred to the modified section at the dais which modified Section 3, but it does not modify Section 5.

Councilmember Anduri noted Section 3 talks about reimbursing costs for street trees, and he questioned where the money would come from. Mr. Falk said he believed it would come from the Redevelopment Agency at approximately $5,000 per tree, but it could also be covered under the General Fund. If the program is successful, the City's maximum exposure is about 3 or 4 trees.

Mayor Tatzin questioned if it would be better to put the street trees under the Redevelopment Agency, and City Attorney Subramanian said the section could be amended. Councilmember Anderson suggested that Section 3 be moved to the Redevelopment Agency resolution and to adjust other sections accordingly.

Mayor Tatzin suggested continuing the item until the next meeting, and the Council concurred.

Convene Redevelopment Agency

G. Resolution R2009-03 Approving the Funding of Walkways Required to be Constructed by Developers
Recommendation: Adopt Resolution R2009-03.

Agencymember Anduri voiced concern in that $250,000 is money that would come from RDA funds that could otherwise be used to repay part of the loan made by the General Fund, and those funds could be used for roads. CPAC calls for a full construction schedule for 2010 and there is not enough money for 2011. He believed $250,000 would pay for one or two local roads, believed there were alternative uses for the funds to repay the $1 Million loan.

Agencymember Anderson questioned if the period was for one year and believed it would not affect the budget cycle, but Agencymember Anduri said the money would not be in place any longer.

Chair Tatzin said the goal is to try to have projects proceed that would not normally proceed otherwise so that the RDA increment will go up faster which would assist in the future. Whether this will be the tipping point for a particular project is hard to tell. Agencymember Anduri believed it was hard to measure; if we have the $250,000, it should be used in 2011 for road projects, whereas the stimulus benefit is somewhat speculative.

Agencymember Anderson said; however, if not used as a stimulus benefit, it will still be available.

Agencymember Anduri said one of the things the City had been looking for before the financial markets did what they did was getting $1 million repaid in 2011. He thought there were no funds, but $250,000 could repay part of the loan and fix some roads.

Executive Director Falk said it was his assessment that there are two likely candidate projects for this portion of the stimulus. Based upon staff's assessment, it would be for two projects at $50,000 each. It could be that another developer comes in for a fast-track project, but there are two current projects that, if they are able to achieve financing, they would be eligible.

Chair Tatzin said with the stimulus money, the Agency wanted to communicate with property owners, developers and businesses that we are concerned with the economy and the downtown and we can try and use our resources for stimulus here rather than in other communities. He agreed with Agencymember Anduri that there is no perfect way to measure this and in some respect, it is trying to create an image and positioning that will hopefully carry forward in more economic activities.

Agencymember Anderson believed it was almost like marketing and from that perspective, has value. It may not be able to be quantified but may help the City's image, and Agencymember Federighi agreed, stating she felt the newspaper article was very positive.

Agencymember Anduri said there is as equal a need in the community to devote funds to roads, and he can see how the perception that the City is "open for business" is positive, but he felt $250,000 could go toward repair of two roads. He asked for more information regarding the two projects, and Executive Director Falk said one is the 65± unit Woodbury project which will be large in developer cost and be about a $35 million project, so he questioned if $50,000 would work toward stimulating the project. However, he knows developers are working with banks. This would be a very good project for Lafayette and create a large tax increment for the Redevelopment Agency. To the east, there is a small parcel for a 7-8,000 square foot office building, and the cost is less than $1 million, so $50,000 would make a difference.

Agencymember Anduri questioned if the office building would have a sidewalk contribution, and Mr. Falk said staff was meeting with the developer currently because if Woodbury is held in abeyance and is required to build the sidewalk in front of the second project, since the two parties are related, the City would like the sidewalk in front of the office get built so there is an opportunity to transfer that requirement to the smaller project, particularly if they receive a $50,000 credit. He noted that the issue is subject to negotiation. Agencymember Anduri questioned the cost, and Mr. Falk noted that the sidewalk involves a retaining wall; it would involve aggregating the cost of the retaining wall with the sidewalk, engineering, and he could not provide an exact estimate.

Chair Tatzin said he would not be surprised if it cost about $40,000 or $50,000. In addressing the action, he said the Agency could always amend the resolution later in the year, and Mr. Falk recommended the Agency lowering the total to $100,000 with direction to staff that if other projects do come in, staff could return with a request to increase the limit. He also recommended directing staff to re-draft the two resolutions for return on the next Consent Calendar. Chair Tatzin confirmed Ms. Subramanian had drafted language and the resolutions could be adopted subject to proposed re-wording by the City Attorney.

Agencymember Anderson said he would support $100,000 and include the new section for the trees in the Redevelopment Agency resolution.

MOTION: Agencymember Anderson moved to adopt to adopt Resolution R2009-03, as amended for $150,000 and to include the new section for trees in the Redevelopment Agency Resolution. Agencymembers discussed an amendment to lower the amount to $100,000 and Agencymember Anderson accepted the friendly amendment.

ACTION: It was M/S/C (Anderson/Federighi) to adopt Resolution R2009-03, as amended for $100,000 and to include the new section for trees in the Redevelopment Agency Resolution. Vote: 4-0-1 (Ayes: Tatzin, Anduri, Federighi, Anderson; Noes: None; Absent: Andersson).

Mayor Tatzin asked to return to Item F.

F. Resolution 2009-13 Adopting the City of Lafayette Stimulus Plan for 2009
Recommendation: Adopt Resolution 2009-13.

Mayor Tatzin requested removing the tree section and changing language to make it clear that the current Section 5 was for uses that were non-conforming and were abandoned beginning January 1, 2009 or later. City Attorney Subramanian proposed the end of the first sentence would read: "…shall not be enforced if a developer submits such a request to the City by December 31, 2009 and submits proof that the non-conforming or abandoned use discontinued active operation for a period of 120 days after the City's adoption of this resolution, and no later than December 31,

2009." Mayor Tatzin suggested it be after January 1, 2009, so if somebody had stopped the use at the beginning of this year, it would still cover it, and the Council accepted the amendment.

Public Comment:

GABRIEL FROYMOVICH, Lafayette Taxpayers Association, reiterated their previous suggestion of removing or suspending the 1% that needs to be paid for public art, as it is an obstacle to developers and is an impact.

Councilmember Anduri clarified that Mr. Froymovich was under the impression that the 1% was approved at a meeting over the last two months; however, it has been part of the ordinance for some time.

Mayor Tatzin confirmed with Ms. Merideth that the threshold to impose the 1% was at 10,000 square feet. Councilmember Anduri said Council policy set would strip the art from a project and he did not support removing it. Councilmember Anderson agreed and felt it was something the community gains. Mayor Tatzin agreed, and said there is nothing to prevent the City from holding discussion on funding the art requirement on a case-by-case basis, given difficulties with financing and project costs for development.

ACTION: It was M/S/C (Anderson/Anduri) to adopt Resolution 2009-13, as amended. Vote: 4-0-1 (Ayes: Tatzin, Anduri, Federighi, Anderson; Noes: None; Absent: Andersson).

Adjourn Redevelopment Agency

ACTION: It was M/S/C (Anderson/Anduri) to adjourn the Redevelopment Agency meeting. Vote: 4-0-1 (Ayes: Tatzin, Anduri, Federighi, Anderson; Noes: None; Absent: Andersson).

J. Award of contract for consultant to perform Police Services Study
Recommendation: Direct City Manager to award contract to Matrix Consulting Group to undertake a Police Services Study.

Mayor Tatzin noted there will be a Steering Committee, and he recommended it be a staff person and Councilmember from each jurisdiction. City Manager Falk said he can forward the suggestion to the other agencies.

Mayor Tatzin said another option was for each community having its own force, and other than basis for reference, he has no interest in doing this for Lafayette, and viewed it as a waste of consultant study which could be spent elsewhere. Mr. Falk said Danville is extremely interested in exploring the option.

Councilmember Federighi said she was less concerned about this, but felt it might be dealt with for Danville. Regarding the costs and tasks, she voiced concern there was a disproportionate amount of effort spent on analyzing what we currently have. In the section on Alternative Resource Needs and Alternative Organization, she suggested tweaking the service with the current provider so that less time was spent on what she thought was supposed to be the main focus—analyzing different structures or providers. There is a community survey, tasks that look at response times and things already known.

Mr. Falk said he questioned this during the interview. The consultant said that in looking at Lafayette's statistics, it is difficult to believe or understand, given his experience, that a community

of Lafayette's size receives 22,000 calls for service a year. Therefore, he wants to know what types of calls they are to break them down. If more are false alarms, it might create a different policing structure than what is in place currently. Therefore, until more analysis, they will not be able to make recommendations on how to proceed. He further discussed the way the workload changes depending on the call for service, and his recommendation is for the City to defer to their expertise.

Councilmember Anderson felt the City needs to let them establish a date for all three cities which is equal as to how service needs are interpreted, because we are asking whether or not service can be put together.

City Manager Falk said the Danville City Manager views this as three separate studies being conducted by a single consultant which may be different from the Council's understanding. He said because they are geographically discontinuous and because they are contiguous to San Ramon who has created their own police force, they most likely will create their own department. So, this would lead Lafayette to consider other alternatives. He and the Mayor will hold their regular Lamorinda Breakfast on Friday and a topic will be how Moraga will participate in the study. He also noted Alamo is attempting to incorporate, which would then create a contiguous zone from Danville to the Caldecott Tunnel, which may make Danville more interested in an independent agency.

Mayor Tatzin reiterated his desire to have a steering committee with one staff member and a councilmember.

ACTION: It was M/S/C (Anderson/Anduri) to direct the City Manager to award contract to Matrix Consulting Group to undertake a Police Services Study, with a recommendation that there be discussion on a steering committee composition. Vote: 4-0-1 (Ayes: Tatzin, Anduri, Federighi, Anderson; Noes: None; Absent: Andersson).

12. COUNCIL/COMMISSION REPORTS

A. Councilmember report on activities and consideration of matters a councilmember wishes to initiate for placement on a future agenda.

Mayor Tatzin reported that Judy Carney has been named Citizen of the Year and the award event will be held on March 20, 2009. He also noted there are advertisements out for applications to the Charter and Communications Committee and for the Open Space Committee.

Councilmember Anderson reported the Downtown Strategic Plan meeting would be held the next evening with the Chamber of Commerce, there will be a panel of speakers to answer questions of property and business owners.

He also reported that a Community Workshop will be held on Wednesday at 6PM where WRT will facilitate a presentation. Mr. Falk discussed advertisement on the workshop.

City Manager Falk reported he and Councilmember Anduri attended a meeting with the City of Walnut Creek, the Muir Heritage Land Trust and Nancy Wenenger from the Park District to discuss potential opportunities for open space.

B. Brandt Andersson, Vice Mayor
Discussion on the tradition of Mayoral Rotation
Recommendation: Discuss.

The Council continued the item without discussion.

C. Brandt Andersson, Vice Mayor and Councilmember Anduri
Resolution 2009-14 appointing one new member to the Crime Prevention Commission
Recommendation: Adopt Resolution 2009-14 appointing one new member to the Crime Prevention Commission.

Councilmember Anduri reported on the recommendation that Gabriel Froymovich be appointed to the Crime Prevention Commission.

ACTION: It was M/S/C (Anduri/Federighi) to adopt Resolution 2009-14 appointing Gabriel Froymovich to the Crime Prevention Commission. Vote: 4-0-1 (Ayes: Tatzin, Anduri, Federighi, Anderson; Noes: None; Absent: Andersson).

13. WRITTEN COMMUNICATIONS

14. ADJOURNMENT

The City Council adjourned at 9:15 p.m. to the next regular City Council Meeting on March 9, 2009

APPROVED:

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Don Tatzin, Mayor

ATTEST:

_____
Joanne Robbins, City Clerk